

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ARISE FOR SOCIAL JUSTICE;)	
¿OISTE?; NEW ENGLAND STATE-AREA)	
CONFERENCE OF THE NAACP;)	
REV. TALBERT W. SWAN, II;)	
NORMAN W. OLIVER; DARLENE)	
ANDERSON; GUMERSINDO GOMEZ;)	
FRANK BUNTIN; RAFAEL RODRIQUEZ;)	
and DIANA NURSE)	Civil Action No. 05-30080-MAP
)	
Plaintiffs,)	
)	
v.)	
)	
)	
CITY OF SPRINGFIELD and SPRINGFIELD)	
ELECTION COMMISSION)	
)	
Defendants.)	
)	

DEFENDANTS' AFFIDAVIT OF DIRECT TESTIMONY
GLADYS RIVAS-MARTINEZ,
BILINGUAL POLL OFFICIAL 2006 ELECTION

I, Gladys Rivas-Martinez, on oath, do hereby state as follows:

1) My name is Gladys Rivas-Martinez. I currently live on 115 Lowell Street in the Edgewater Apartments. I was born in New York City and moved to Springfield in 1967 where I lived with my five brothers and sisters on 144 Abby Avenue (Brightwood neighborhood). My parents were born in Puerto Rico. Spanish was spoken in our home. My mother never learned to speak English (except for a few words). My father actually spoke 11 languages; most of which he learned while serving in the Army during WWII. My father worked in a factory in Springfield after the war (metal works). I attended Brightwood Elementary School, Chestnut Junior High School and Putnam High School, but graduated from Classical High School in a special program that permitted me to complete high school while I was pregnant with my first child. Subsequently I took some courses at STCC but was not able to finish a degree when my second child became ill. My brother is Miguel Rivas, who had been very active in City politics and one of the first Hispanic candidates to run for City Council. My brother has remained politically active, but did not pursue elective office further because of family obligations

2) I have four children and raised three more, ranging in age from 11 to 29 years old. All of my children live in the Springfield area (or still live at home). All of children learned Spanish and speak it as fluently as English. In fact, my children learned Spanish and English at the same time. I strongly resisted placement of any of my children in any Spanish-only classes, preferring that they learn in English along with the other English speaking students. Only my youngest child has had difficulty mastering two languages as they grow up – speak English in school and with friends and Spanish at home and with my mother who has helped care for my children while I have been at work.

3) For the past ten years I work as a senior clerk in the Office of the City Clerk. I am the only Spanish speaking clerk and try to make sure that I am available to assist citizens with limited proficiency in English. I have been told that non-English speaking persons manage well in my absence, but have later learned that English speaking staff have misunderstood the requests of these persons with limited proficiency. I have tried to explain to my co-workers that some persons may understand spoken English fairly well, but may be unable to adequately communicate their needs or request in English. I enjoy my work and appreciate the improvements in the office procedures and the overall office environment under “new” City Clerk, Wayman Lee. I am a “people person,” so my previous position was a customer service/ salesperson at Continental Cable Division (later to become Comcast). Again, my ability to speak Spanish was indispensable and facilitated my ability to assist customers. In the early days of cable I even worked as a telemarketer (and made pretty good money on commission).

4) Several years ago (at the office of the City Clerk), I attempted to assist a married couple from Spain who did not speak English. They refused my assistance because I was “dark skinned,” even though no one else in the office spoke Spanish. Almost as upsetting for me as a mother of school-age children and grandchildren was the fact that the couple worked as teachers in the Holyoke School System, which apparently did not require English proficiency or racial/ethnic tolerance as a pre-requisite.

5) I recall as I grew up that there was much discussion (in Spanish) about elections at All Souls Church, which I attended as a child and which family and I still attend. Parents exchanged information about candidates and voting procedures at gatherings organized by the church. When I accompanied my parents to the polling place, I recall that local nuns and police officers assisted voters. Currently, the nearby senior center sponsors programs for voters for the purpose of providing information about the upcoming elections.

6) From time to time, candidates address the gathering, including Mayor Ryan. My parents, my children and I vote every election. In the past, I have regularly brought various relatives, including my mother to the polling place and assisted them in voting at Fire Station, on Main Street.. I do not recall that bilingual poll officials were assigned to that polling place in the past; voters with limited proficiency in English were accompanied by family members who did speak English. Similar arrangements are made to accompany family members with limited proficiency in English for doctor visits,

various interactions with state or public agencies, and anything else for which Spanish speaking persons are likely to be available to assist.

7) In the past, the only difficulty that I recall that either myself or my family encountered in voting related to change of address when we have assumed that the Registry of Motor Vehicles or the Post Office would inform the Office of the Election Commission of the new address. When that has occurred, we were required to vote at our former polling place and go to Office of the Election Commission and complete required change of address forms there. It had never been my experience that poll officials had been rude to me or a member of my family, although I did note that there would be some kind of disagreement – from time to time – among the elderly poll officials.

8) Sometime in August, 2006, I was asked by Kathy Fleury if I was interested in working as a bilingual poll official in the upcoming election. I agreed. I attended the training session prior to my service and found it helpful. I was assigned to Riverview Apartments at which two polling places are located. The majority of those voting were Hispanic, in addition to some elderly and handicapped persons residing in the building. There had long been bilingual poll officials assigned to this polling place. I understand that the ward caucus leader, Gumersindo Gomez, was responsible for nominating persons to serve as poll officials and almost always provided names of persons who were bilingual or who spoke only Spanish. As I recall, at least four poll officials and the police officer, assigned to that polling place, were fluent in English and Spanish. Even though a majority of the voting population was Hispanic and turnout was fairly significant there was no great need for four bilingual poll officials, since voters with limited proficiency in English were most accompanied by bilingual persons. I would say that about 10 percent of those who voted arrived in groups, brought to the polling place by one of several persons who were responsible for bringing voters to the polling place and assisting voters in reading the ballot and with any other voting procedures. I circulated among the voting stations to ensure that no one had any questions. I felt assured that “assistors” were merely reading the ballot and explaining procedures but were not telling the voter for whom to vote or otherwise marking the ballot for the voter.

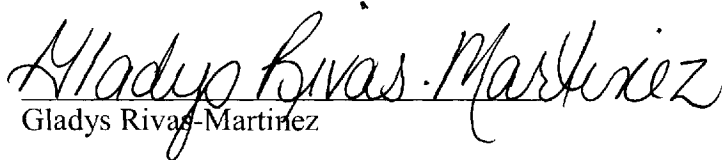
9) When a voter’s name was not on the voting list (white or blue), a poll official called the Office of the Election Commission to find out the voter’s status and the polling place to which they were assigned. We assisted the voter in casting a provisional ballot where the voter was not willing to travel to the polling place to which they were assigned. Generally, the voter had moved, but had neglected to inform the Office of the Election Commission. Often, where the voter was assigned to another polling place and transportation was an issue, one of the poll officials [*Cheryl’s aunt*] would enlist the assistance of one of the campaign workers, stationed outside the polling place, to transport the voter to the correct polling place. Although we did not ask voters for identification, often Hispanic voters automatically presented identification, since voters in Puerto Rico are provided with voting cards that are stamped at each election the voter casts a ballot. Since I knew many of the voters, I did not have difficulty locating voters name on the voting list and did not need to verify spelling. There were one or two experienced poll officials assigned to Riverview Apartments, who proved indispensable

in assisting in setting up at the beginning of the day and tallying the voting and closing up at the end of the day.

10) Because I was not assigned to a polling place at which no bilingual poll officials had been previously assigned, I cannot judge how successful the bilingual election program was for those voters who had not previously had bilingual poll officials available to assist them. Although I had never heard complaints about poll officials from friends and family in previous elections, I am a supporter of the program. There are still older persons in Springfield, who grew up in Puerto Rico, and newly arrived citizens who are not fluent in English. The provision of bilingual assistance in the polling place conveys to these voters that they are an important part of the electoral/political process. For those who were born in Puerto Rico, it sometimes takes a number of years to feel that Springfield – rather than Puerto Rico – is their home and sometimes, they never do. Many return “home” several times during the year to visit family and some “retire” to Puerto Rico after a number of years and raising a family in Massachusetts. As among the various immigrant groups who have settled in Springfield, we remain unique in that we are able to easily return home and citizenship is not an issue. For many of us, the Spanish language is an important part of our culture and who we are. In addition, there have always a sufficient number of persons who are fluent in English and Spanish that it is not necessary for older persons to learn English.

11) I enjoyed working as a poll official and intend to volunteer for the next election.

Signed under penalties of perjury, this 9th day of February, 2007


Gladys Rivas-Martinez

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Defendants' Affidavit of Direct Testimony Gladys Rivas-Martinez, Bilingual Poll Official 2006 Election" has been served on the following counsel of record on the 9th day of February 2007, via the ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

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